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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,048	03/02/2004	Toshifumi Sugisawa	1403-0262P	9826

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EXAMINER

BEAULIEU, YONEL

ART UNIT PAPER NUMBER

3661

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/790,048	Applicant(s) SUGISAWA, TOSHIFUMI	
	Examiner Yonel Beaulieu	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific asserted utility or a well-established utility.

The above claim calls for a "program." However, a *program*, as well settled in the computer art, is a software consisting of a loadable set/sequence of instructions that can be interpreted and executed to accomplish a specific task. Therefore, because the claim is not supported by specific steps (sequence of instructions) for the reason set forth above, credibility cannot be assessed.

Claim 5 is also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3661

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohashi et al. (US 5,531,110).

Regarding claims 1 and 5, Ohashi teaches a method (title; abstract) for alarming decrease in tire air-pressure (S 92) in which decrease in tire air-pressure is determined on the basis of rotational velocity (S 82; col. 37, lines 18 - 20) information of a wheel of a vehicle, wherein respective thresholds (ΔP and ΔP_{th}) for determining whether judgment of decrease in tire air-pressure is to be made or not are changed depending on magnitude of driving torque of the vehicle (col. 4, lines 30 – 38; col. 4, line 54 – col. 5, line 2; and col. 12, lines 22 – 27) when the vehicle is performing turning movements (overall, note col. 37, line 16 – col. 38, line 31 at least). Ohashi further teaches a program (within item 49) and a computer 47, a threshold changing means (see fig. 1; col. 11, line 64 – col. 12, line 10), and velocity detecting means (as noted in col. 24, lines 29 – 34 at least).

Regarding claim 2, Ohashi teaches an apparatus for alarming decrease in tire air-pressure in which decrease in tire air-pressure is determined on the basis of rotational velocity information of a wheel of a vehicle, comprising: velocity detecting means which detect wheel speeds of the respective tires (as noted in col. 24, lines 29 – 34 at least), a judging means (62; see fig. 4) which judges decrease in tire air-pressure on the basis of the wheel speeds detected by the velocity detecting means (col. 23, lines 8 – 23; col.

Art Unit: 3661

24, line 57 – col. 25, line 5; note also col. 36, line 61 – col. 37, line 11), and an alarming means which issues an alarm when a decrease in tire air-pressure is judged in the judging means (disturbance observer 130; note S), wherein the apparatus further comprises a threshold changing means which changes respective thresholds (col. 32, lines 50 – 67 at least) for determining whether judgment of decrease in tire air-pressure is to be made or not depending on magnitude of driving torque of the vehicle when the vehicle is performing turning movements.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi ('110) as applied to claim 2 and further in view of Horie et al. (US 6,323,765).

As discussed above, Ohashi teaches all of the limitations except for the lateral directional acceleration detecting means, wherein a turning force applied onto the tires of the driving wheels is obtained from the lateral directional acceleration.

However, Horie teaches, in the same field of endeavor of apparatus for alarming decrease in tire air-pressure, a lateral directional acceleration detecting means, wherein

Art Unit: 3661

a turning force applied onto the tires of the driving wheels is obtained from the lateral directional acceleration (col. 6, line 65 – col. 7, line 29 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ohashi's teaching by including lateral directional acceleration detecting means, wherein a turning force applied onto the tires of the driving wheels is obtained from the lateral directional acceleration as evidenced by Horie in order to increase alarm generation when tire decompression (air pressure drop is detected).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yonel Beaulieu
Primary Examiner
Art Unit 3661
YONEL BEAULIEU
PRIMARY EXAMINER